

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BID PROTEST

METROIBR, JV, LLC,	*	
METROSTAR SYSTEMS, LLC,	*	
	*	
Plaintiffs,	*	No. 24-1132C ¹
	*	(Senior Judge Bruggink)
v.	*	
	*	
THE UNITED STATES,	*	
	*	
Defendant,	*	

CORRECTED

DEFENDANT’S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFFS’ MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Rule 6.1, Rule 16, and Appendix C of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests a 5-day enlargement of time, to and including September 18, 2024, within which to file our response to plaintiffs’ motion for a preliminary injunction. The Government’s response to plaintiffs’ motion is currently due today, September 13 2024. We have not previously requested an enlargement of time for this purpose.

The Government requests this extension of time, because at the time the Government agreed upon the expedited briefing schedule in this case, the Government also indicated that its agreement to the September 13, 2024 deadline was premised upon receiving IgniteAction’s forthcoming motion for a preliminary injunction on or before September 6, 2024. The Government made this representation to the Court because, while the Government needs a decision on or before September 26, 2024 to administratively process its contracting actions, the

¹ On September 13, 2024, the undersigned inadvertently filed this motion in *MetroIBR JV, LLC, et al. v. United States*, Fed. Cl. No. 23-2087. This motion to extend the timelines for briefing in improperly filed in case number 23-2087, and should be filed in this case, case number 24-1322.

Government is mindful that many parties are interested in this case. This includes IgniteAction, who in *IgniteAction v. United States*, Fed. Cl. 24-1386, filed its motion for a preliminary injunction at 10:10pm on September 12, 2024. Responding to both the MetroIBR and the IgniteAction motions for a preliminary injunction permit the Government to evaluate all challenges to Census' August 13, 2024 decision in a unified manner, and the Court to consider related legal issues similarly. Such an undertaking would reduce the probability of contrary opinions of the Court and aid judicial efficiency.

Counsel for MetroIBR and MetroStar has represented that plaintiff does not oppose this request but asks the Court to allow MetroIBR and MetroStar submit its reply on Tuesday, September 23, 2024. Despite reaching out to counsel for IgniteAction today via email, undersigned counsel has not yet received their input on the proposed schedule changes.

In granting this extension, the United States also respectfully requests adjust the deadlines minimally as follows:

Event	Current Deadline	Requested Deadline
Government files its opposition to Plaintiffs' motion for a preliminary injunction	September 13, 2024	September 18, 2024
Government files its opposition to IgniteActions' motion for a preliminary injunction	September 13, 2024	September 18, 2024
Plaintiffs' reply due	September 20, 2024	September 23, 2024*
Oral argument	September 26, 2024	No change

Good cause exists for this extension request, which is necessary to ensure that undersigned counsel has sufficient time to finalize its response to plaintiffs' motion and ensure a unified response to IgniteAction's motion for a preliminary injunction, which was filed in *IgniteAction v. United States*, Fed.Cl. No. 24-1386. Indeed, because of the late filing of

IgniteAction's motion, counsel, while completing the draft response to plaintiffs' motion, has not had enough time to download, review and respond to IgniteActions' arguments in support of a preliminary injunction in its case (24-1386). Preparation of the Government's response also requires appropriate supervisory review in advance of filing.

For these reasons, we respectfully request that the Court grant our motion for a 5-day enlargement of time and grant our motion to further amend the scheduling order as indicated in the table above.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

OF COUNSEL

JILLIAN STERN
Attorney Advisor
Contract Law Division
Office of General Counsel
U.S. Department of Commerce

JONATHAN S. BAKER
Attorney-Advisor
Contract Law Division
Office of the General Counsel
U.S. Department of Commerce

/s/ Douglas K. Mickle by William J. Grimaldi
DOUGLAS K. MICKLE
Assistant Director

/s/ Elizabeth M.D. Pullin
ELIZABETH M.D. PULLIN
ALEXANDER S. BREWER
Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Tel: (202) 616-3867
Elizabeth.M.Pullin@usdoj.gov

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Attorneys for Defendant